

City Council Regular Meeting
October 3, 2005

CITY OF HOLLISTER CITY COUNCIL

Minutes of Regular Meeting

October 3, 2005

CALL TO ORDER:

The regular meeting of the City Council of the City of Hollister was called to order by Mayor Valdivia on October 3, 2005, at 6:05 p.m. in the City Council Chambers at City Hall.

ROLL CALL: Roll was answered as follows:

PRESENT: Mayor Pauline Valdivia, City Council Members Doug Emerson, Robert Scattini, and Monica Johnson, City Manager Clint Quilter, Acting City Attorney Rob Wellington, and City Clerk Geri Johnson.

ABSENT: City Council Member Brad Pike and City Attorney Elaine Cass.

VERIFICATION OF AGENDA POSTING:

The Agenda for the City Council of the City of Hollister meeting of October 3, 2005, was posted on the bulletin board at City Hall on September 30, 2005, at 10:45 a.m. per Government Code Section 54954.2.

CLOSED SESSION AGENDA:

A. Public comment for Closed Session agenda.

None.

B. Mayor Valdivia announced that the City Council of the City of Hollister would meet in Closed Session to discuss all or some of the following matters:

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (3 potential cases will be discussed)

2. Conference with Legal Counsel - Anticipated Litigation - Initiation of Litigation pursuant to Government Code Section 54956.9(c) - (2 potential cases will be discussed)
3. Conference with Legal Counsel - Pending Litigation - pursuant to Government Code Section 54956.9(a)
 - a. RWQCB - Cease and Desist Order No. R3-2002-0105
 - b. City of Hollister v. Monterey Insurance Company, California Capital Insurance Company, Case Number M65916
 - c. Nicholson v. Hollister, Case Number CU-04-00063
 - d. Borges et al v. Hollister, Case Number CV030139
4. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter
Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union - Local 3395; Hollister Peace Officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential
5. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

Property: APN 019-130-024
City Negotiator: Clint Quilter
Negotiating parties: Donald W. Hart, Jerome Ehrich, Martin Ehrich
Under negotiation: Price and Terms of Payment
6. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

Property: APN 053-370-002
City Negotiator: Clint Quilter
Negotiating parties: Donald W. Hart, Jerome Ehrich, Martin Ehrich
Under negotiation: Price and Terms of Payment
7. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

Property: APN 053-320-002
City Negotiator: Clint Quilter
Negotiating parties: Donald W. Hart, Jerome Ehrich, Martin Ehrich
Under negotiation: Price and Terms of Payment

8. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

Property: APN 053-330-001, 605 North Street
City Negotiator: Clint Quilter
Negotiating parties: Margaret L. Kuhl
Under negotiation: Price and Terms of Payment

9. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

Property: APN 053-370-003, 420 North Street
City Negotiator: Clint Quilter
Negotiating parties: Katherine Sanchez
Under negotiation: Price and Terms of Payment

10. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

Property: APN 053-370-004, 410 North Street
City Negotiator: Clint Quilter
Negotiating parties: Katherine Sanchez
Under negotiation: Price and Terms of Payment

11. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

Property: APN 054-212-001, 361 North Street
City Negotiator: Clint Quilter
Negotiating parties: Elbert J. and Rose M. Enos
Under negotiation: Price and Terms of Payment

Council Member Scattini moved to recess to Closed Session at 6:06 p.m. to discuss the items listed above. Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Council Member Pike absent.

The City Council reconvened at 6:38 p.m.

PLEDGE OF ALLEGIANCE was led by Boy Scouts from Troops 777 and 787: Curtis Cassidy, Dylan Pfister, Dylan Robertson, David Hawks, and Carson Nichols

ROLL CALL: Roll was answered as follows:

PRESENT: Mayor Pauline Valdivia, City Council Members Doug Emerson, Robert Scattini, and Monica Johnson, City Manager Clint Quilter, Acting City Attorney Rob Wellington, and City Clerk Geri Johnson

ABSENT: City Council Member Brad Pike and City Attorney Elaine Cass.

STAFF PRESENT: Chief of Police Jeff Miller, Community Services Director Clay Lee, Interim Deputy Public Works Director Steve Wittry, Administrative Services Director Robert Galvan, Airport Manager Bill Gere, and RDA Manager Billy Avera.

VERIFICATION OF AGENDA POSTING:

The Agenda for the City Council of the City of Hollister meeting of October 3, 2005, was posted on the bulletin board at City Hall on September 30, 2005, at 10:45 a.m. per Government Code Section 54954.2.

PRESENTATIONS:

Employee Service Awards for 3rd Quarter, 2005, were presented to Geri Johnson, Paula S. Garcia, Michael J. Bogosian, Steven E. Vining, Julian Camarillo, and Juan G. Lopez.

Mayor Valdivia proclaimed October 3-7, 2005 to be Rideshare Week in the City of Hollister. Vice Mayor Scattini read and presented the Proclamation to Veronica Lezama of COG.

Carrie Mann of AMBAG presented the AMBAG Monterey Bay Regional Energy Plan. The entire Energy Plan is on their website at www.ambag.org and she urged everyone to form their own Energy Action Group.

CLOSED SESSION:

Acting City Attorney Wellington announced that the City Council of the City of Hollister had received information on the following, and no action was taken except that the City Manager

was given direction for item 3 below and the City Council would convene in Closed Session after the regular meeting:

1. Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation pursuant to Government Code Section 54956.9(b) - (1 potential case was discussed)
2. Conference with Legal Counsel - Pending Litigation - Pursuant to Government Code Section 54956.9(a) -
 - a. Nicholson v. Hollister, Case No. CU-04-00063
3. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

Agency Negotiator: Clint Quilter

Employee Organizations: Service Employees International Union, Local 817; Hollister Firefighters Union, Local 3395; Hollister Peace officers Association; Hollister Mid-Management Association; and un-represented employees in classifications designated as Executive Management and Confidential
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A. CONSENT RESOLUTION (October 3, 2005):

1. Minutes of Regular Meeting of September 19, 2005.
 - (a) Approved the Minutes of the Regular Meeting of September 19, 2005, as submitted.

Council Member Emerson moved to adopt the Consent Resolution (October 3, 2005) as stated above. Motion seconded by Council Member Johnson and carried by a 4-0-1 vote, Council Member Pike absent.

ITEMS PULLED FROM CONSENT RESOLUTION (October 3, 2005):

2. Warrant Registers.
 - (a) Received transmittals, Warrant Registers, from Administrative Services Director Galvan.
 - (b) Council Member Johnson moved to ratify and approve Warrant Registers dated:
September 19, 2005, in the amount of \$599,673.80
September 27, 2005, in the amount of \$305,747.88
Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Council Member Pike absent.
3. Resolution No. 2005-140, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING TEMPORARY STREET CLOSURES FOR THE ANNUAL LIGHTS ON CELEBRATION.
 - (a) Received transmittal dated September 14, 2005, Resolution authorizing temporary street closures for the Annual Lights On Celebration, from City Clerk Johnson.
 - (b) Council Member Emerson moved to adopt Resolution No. 2005-140, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING TEMPORARY STREET CLOSURES FOR THE ANNUAL LIGHTS ON CELEBRATION. Motion seconded by Council Member Johnson and carried by a 4-0-1 vote, Council Member Pike absent.
4. Set Date and Time to Conduct an Appeal Hearing.
 - (a) Received transmittal dated September 21, 2005, Set Date and Time to conduct an Appeal Hearing, from Interim Development Services Director Avera.
 - (b) Council Member Emerson moved to set October 17, 2005, at 6:30 p.m.

or as soon thereafter as may be heard, the appeal hearing of a Planning Commission decision to revoke a Home Occupation Permit from Mrs. Sharon Sausedo (Avon Sales). Motion seconded by Council Member Scattini and carried by a 4-0-1 vote, Council Member Pike absent.

5. Resolution No. 2005-141, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING PLANS AND SPECIFICATIONS FOR THE REPLACEMENT OF BUILDING 25 AT THE HOLLISTER MUNICIPAL AIRPORT.

- (a) Received transmittal dated September 23, 2005, Approval of Plans, Specifications and Contract Documents for the Replacement of Building 25 at the Hollister Municipal Airport, CIP 2338, from Interim Engineering Manager Wittry.
- (b) Council Member Emerson moved to adopt Resolution No. 2005-141, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER APPROVING PLANS AND SPECIFICATIONS FOR THE REPLACEMENT OF BUILDING 25 AT THE HOLLISTER MUNICIPAL AIRPORT. Motion seconded by Council Member Johnson and carried by a 4-0-1 vote, Council Member Pike absent.

B. PETITIONS, REMONSTRANCES, AND COMMUNICATIONS:

1. Public Input.

- (a) Dion Cuneo, Hollister, CA addressed the City Council that he and his friends would like to have a bike park in Hollister. There is no place to ride and they would like something small and close to the skate park.

C. PUBLIC HEARINGS: (on or about 7:00 P.M.)

None.

D. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:

- 1. Resolution No. 2005-142, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE CITY MANAGER TO HIRE POLICE OFFICERS TO FILL VACANT POSITIONS AS THEY ARISE.
 - (a) Received transmittal dated September 22 2005, A Resolution of the City Council of the City of Hollister Authorizing the City Manager to Hire

Police Officers to Fill Vacant Positions as they Arise, from Chief of Police Miller.

- (b) Council Member Scattini moved to adopt Resolution No. 2005-142, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOLLISTER AUTHORIZING THE CITY MANAGER TO HIRE POLICE OFFICERS TO FILL VACANT POSITIONS AS THEY ARISE. Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Council Member Pike absent.

E. REPORTS OF CITY COUNCIL, OFFICERS, BOARDS, AND COMMITTEES:

1. Reports from City Council Committees.

- (a) There was nothing reported.

2. Reports from City Council, City Manager, City Attorney, and Staff.

- (a) City Manager Quilter - a special City Council meeting will be held on October 10 with Closed Session at 5:30 p.m. and the meeting starting at 6:00 p.m. to discuss the motorcycle rally; he will be at the League of California Cities annual conference from Thursday morning through Saturday; and he informed Council Members Emerson and Johnson that they will be hearing from Lynn regarding a meeting for the Economic Committee.
- (b) City Attorney Cass - absent.
- (c) Acting City Attorney Wellington - nothing to report.
- (c) City Clerk Johnson - introduced Lynn Shippley, new staff assistant for the City Clerk's office and thanked the City Councils and City Managers for the many opportunities received during the past 20 years.
- (d) City Council Member Pike, District 1 - absent.
- (e) City Council Member Emerson, District 4 - apologized to Lynn for saying that a report was not in his packet; congratulated Geri on her 20 years with the City; spent time at the County Fair and thought it was good for the City to be visible; discussed projects with PG&E as there were 8 outages during the past four months; and talked to some Boy Scouts regarding the flags they install downtown.
- (f) City Council Member Johnson, District 5 - thanked Geri for assisting the City Council Members; welcomed Lynn; thanked the Boy Scouts for attending and leading the Pledge of Allegiance; attended the Teen Rally which was successful; there are issues with the skate park and she doesn't know why the County bike park was closed; urged the skate

boarders to follow the rules, be safe, and be kind for what you receive; would like to see an 80 acre park by Park Hill; would like to see the cross country teams use the Park Hill area to run; thanked Brad, Doug, Clint, Steve, and Geri for their help at the Fair; thanked residents for stopping at the Fair booth; discussed the wineries in the Paicines area; attended a BBQ at the Donati Winery; and attended the Latino Caucus Leadership Training in Oakland conducted by some professors from the University of California.

- (g) City Council Member Scattini, District 2 - thanked Geri (a longtime friend) for her assistance; welcomed Lynn to the Clerk's office; and stated he liked seeing the Boy Scouts in attendance.
- (h) Mayor Valdivia, District 3 - thanked the Boy Scouts for attending and leading the flag salute; looking forward to the League Conference where Alex Padilla will be installed President; attended the Teen Rally and it was good to see the organizations working together; anticipating more good things to come from the Teen Rally organizers; and she received a call from the County regarding a joint public forum to be held twice a year, or as needed, to discuss various issues involving the City and the County.

3. Water and Wastewater Issues.

- (a) Received oral report from City Manager Quilter.
- (b) Information only; no City Council action taken.

4. 2005 Hollister Independence Rally Report.

- (a) Received transmittal dated September 23, 2005, Report on the 2005 Hollister Independence Rally, from Chief of Police Miller.
- (b) City Council discussion.
- (c) City Manager Quilter reported that the financial information and economic analysis will be presented at a Special City Council meeting to be held on October 10 beginning at 6:00 p.m.

5. Hollister Municipal Airport Work Plan.

- (a) Received transmittal dated September 20, 2005, Work Plan Presentation Part One, Workload and Resource Requirements for the Hollister Municipal Airport, from Airport Manager Gere.
- (b) Received the Hollister Airport, Airport Workload and Staff Resources report dated October 1, 2005, from Airport Manager Gere.

- (c) Received oral report from Airport Manager Gere.
 - (d) Tim Sayre, Hollister, CA stated he agrees with Mr. Gere and his plan as it would be in the City's best interest. The plan will run the Airport at a profit.
 - (e) Deane Judd, Hollister, CA rents Hangar 28 and has sent an email to the City Council regarding the Airport rental rates. The Work Plan has not been seen by the Airport Advisory Commission or the citizens. He urged the City Council to not proceed until the public has a chance to review it. Mr. Judd is also concerned with the waiting list for the T Hangars.
 - (f) Mark Starritt, Hollister, CA commented that it would be more feasible to hire a contract engineer instead of full time staff and everyone should be careful of the expenses added to the Airport. He is concerned with a hangar rent increase and the waiting list and believes that new, higher rates should be for the new tenants, not all tenants.
 - (g) Fred Meyer, Hollister, CA sent an email regarding management of the other airports regarding staffing and what they do as well as the size of airports. He believes that Hollister should have one airport manager and one full time maintenance person.
 - (h) City Manager Quilter announced that the Work Plan is a work in progress and other sections will be provided to the City Council in the future.
6. Veteran's of Foreign Wars Post 9242 Ladies Auxiliary Request for Waiver of Fees at Veterans Memorial Building for Arts and Crafts Show.
- (a) Received transmittal dated September 23, 2005, Veterans of Foreign Wars Post 9242 women's Auxiliary Request for Waiver of Fees at Veterans Memorial Building for Arts and Crafts Show, from Community Services Director Lee.
 - (b) Dolly de Vasier, Hollister, CA said the precedent was set in 1929 when the building was built and she believes the Ladies Auxiliary should be treated as equal as the mens Veterans groups.
 - (c) Laurette Avino, Hollister, CA stated the Veterans Building is providing for veterans and her husband served in Iraq. The Ladies Auxiliary should be given an equal opportunity.
 - (d) Paul Arballo, Hollister, CA, a member of VFW Post 9242, said organizations can not use the VFW name for non-veteran events and the veterans groups are the highest priority users for the Veterans Memorial Building.
 - (e) This item continued to the City Council meeting of October 17

F. UNFINISHED BUSINESS:

None.

G. NEW BUSINESS:

None.

H. MISCELLANEOUS:

None.

The City Council recessed at 9:40 p.m.

The City Council reconvened at 9:49 p.m. All Members present per Roll Call.

Council Member Johnson moved to adjourn to Closed Session to finish discussion on the items listed at the beginning of these Minutes. Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Council Member Pike absent.

The City Council reconvened at 10:00 p.m. All Members present per Roll Call.
Acting Attorney Wellington announced that no decisions were made.

ADJOURNMENT:

There being no further business to come before the City Council of the City of Hollister, the regular meeting of October 3, 2005, was adjourned at 10:00 p.m. by motion of Council Member Johnson. Motion seconded by Council Member Emerson and carried by a 4-0-1 vote, Council Member Pike absent.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Geri Johnson", written over a horizontal line.

Geri Johnson, CMC
City Clerk